

The American Journal of COMPARATIVE LAW

VOLUME XIII

1964

NUMBERS 1-4

CONTENTS

ARTICLES

General Principles of Law: Their Elaboration in the Court of Justice of the European Communities <i>Werner Lorenz</i> . . .	1
Legal Nature of the Euro-Dollar <i>Joseph Dach</i> . . .	30
Litigation on the Common Market Level <i>Martha Weser</i> . . .	44
Legal Relations in the Law of Agency: Power of Agency and Commercial Certainty <i>Wolfram Müller-Freienfels</i> . . .	193
Labor Arbitration in Australia <i>Edward I. Sykes</i> . . .	216
Legal Relations in the Law of Agency: Power of Agency and Commercial Certainty (<i>continued</i>) <i>Wolfram Müller-Freienfels</i> . . .	341
National Regulation of the Movement of Workers in the European Community <i>Ralph Reisner</i> . . .	360
The Application of Shari'a in Singapore <i>G. W. Bartholomew</i> . . .	385
Roscoe Pound and Comparative Law <i>Arthur Taylor von Mehren</i> . . .	507
The Protection of the Right of Property of Nationals under the First Protocol of the European Convention on Human Rights <i>Egon Schwelb</i> . . .	518
Current Developments of Private International Law <i>Rodolfo De Nova</i> . . .	542

COMMENTS

The System of Nullities in Muslim Law <i>Saba Habachy</i> . . .	61
French Courts Recognize Foreign Money Judgments: One Down and More to Go <i>Kurt H. Nadelmann</i> . . .	72
Communist China's Emerging Fundamentals of Criminal Law <i>Fu-Shun Lin</i> . . .	80
American Trade-Marks in Turkey <i>Tuğrul Ansay</i> . . .	93
The New British Resale Prices Act <i>Paul Frederick Rothstein</i> . . .	249
Non-Disclosure of Dissents in Constitutional Courts: Italy and West Germany <i>Kurt H. Nadelmann</i> . . .	268
Outline of an Automobile Compensation Plan for Israel <i>Uri Yadin</i> . . .	276

Immunity for the English Supermarket Shoplifter? <i>W. Nial Osborough</i>	291
A Correction <i>Arthur Lenhoff</i>	300
Wächter's Essay on the Collision of Private Laws of Different States <i>Kurt H. Nadelmann</i>	414
Wächter: On the Collision of Private Laws of Different States	417
Kuwait: Development from a Semitribal, Semicolonial Society to Democracy and Sovereignty <i>Ahmad Hijazi</i>	428
Prospective Overruling of Court Decisions in Germany and the United States <i>Carl H. Fulda</i>	438
Arbitration of Foreign Trade Transactions in the Popular Democracies <i>Stephen Szászy</i>	441
The Jury System in Malta <i>J. J. Cremona</i>	570
Forum Conveniens—Basis of Jurisdiction in the Commonwealth <i>B. D. Inglis</i>	583
The Republican Institutions of Lebanon: Its Constitution <i>Saba Habachy</i>	594
Recent Developments under the British Resale Prices Act of 1964 <i>Paul F. Rothstein</i>	604
Index Clauses in Private Loans since the Advent of the Fifth French Republic in 1958 <i>Rita E. Hauser</i>	606

DOCUMENTS

The 1964 Hague Conventions and Uniform Laws on the International Sale of Goods <i>John Honnold</i>	451
Convention Relating to a Uniform Law on the International Sale of Goods	453
Uniform Law on the International Sale of Goods	456
Convention Relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods	472
Uniform Law on the Formation of Contracts for the International Sale of Goods	474
The Tenth Session of the Hague Conference on Private International Law <i>Kurt H. Nadelmann—Willis L. M. Reese</i>	612
Draft Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions	615
Draft Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters	620
Draft Convention on the Choice of Court	629

BOOK REVIEWS

Verdross, A. <i>Abendländische Rechtsphilosophie: Ihre Grundlagen und Hauptprobleme in geschichtlicher Form</i> <i>Edgar Bodenheimer</i>	97
McWhinney, E. <i>Comparative Federalism. States' Rights and National Power</i> <i>Joseph Szabó</i>	98

Castel, J. G. The Civil Law System of the Province of Quebec: Notes, Cases, and Materials <i>W. Paul Gormley</i>	100
Fatouros, A. A. Government Guarantees to Foreign Investors <i>J. Gillis Wetter</i>	103
Lapenna, I. State and Law. Soviet and Yugoslav Theory <i>John N. Hazard</i>	109
Gardiner, G.—Martin, A. (Eds.). Law Reform Now <i>Edward McWhinney</i>	111
Steinberger, H. Gatt und regionale Wirtschaftszusammenschlüsse	
Keeton, G. W.—Schwarzenberger, G. (Eds.). English Law and the Common Market	
Junkerstorff, H. K. (Ed.). International Manual on the Common Market <i>Peter Hay</i>	112
Brugmans, H.—Duclos, P. Le fédéralisme contemporain <i>Peter Hay</i>	117
Cotteret, J. M. Le pouvoir législatif en France <i>Charles Szladits</i>	118
Sundberg, J. W. F. Air Charter. A Study in Legal Development <i>Werner Guldemann</i>	121
The Issues in the Berlin-German Crisis <i>Robert Rie</i>	122
European Human Rights: A Review <i>Thomas Buergerthal</i>	301
Lutter, M. Das Eheschliessungsrecht in Frankreich, Belgien, Lux- emburg und Deutschland <i>Egon Schwelb</i>	311
Savatier, R. Les métamorphoses économiques et sociales du droit civil d'aujourd'hui. Panorama des mutations <i>André Tunc</i>	314
Marcic, R. Verfassung und Verfassungsgericht <i>Wilhelm Karl Geck</i>	316
von Hippel, F. Rechtstheorie und Rechtsdogmatik. Studien zur Rechtsmethode und zur Rechtserkenntnis <i>Max Rheinstein</i>	318
Andrieu-Guitrancourt, P. Introduction sommaire à l'étude du droit en général et du droit canonique contemporain en particulier <i>A. L. Gabriel</i>	478
Necker, K. H. Der räumliche Geltungsbereich der Haager Regeln <i>Erling Selvig</i>	479
Graue, E. D. Die mangelfreie Lieferung beim Kauf beweglicher Sachen <i>Stig Strömholm</i>	485
Stein, E.—Hay, P. Cases and Materials on the Law and Institutions of the Atlantic Area <i>Hugo J. Hahn</i>	489
Jahrbuch des öffentlichen Rechts der Gegenwart <i>Wilhelm Karl Geck</i>	491
Szászy, I. Private International Law in the European People's Democracies <i>Albert A. Ehrenzweig</i>	633
Dekkers, R. Introduction au droit de l'Union Soviétique et des Républiques Populaires	
Stoyanovitch, K. Le régime de la propriété en U.R.S.S.	
Grzybowski, K. The Socialist Commonwealth of Nations. Organi- zations and Institutions <i>George Ginsburgs</i>	636
Gesellschaft für Rechtsvergleichung. Bibliography of German Law <i>Charles Szladits</i>	642

Verfassungsgerichtsbarkeit der Gegenwart—Länderberichte und Rechtsvergleichung. Constitutional Review in the World Today —National Reports and Comparative Studies <i>Wilhelm Karl Geck</i>	644
M. P. Jain. Administrative Process under the [Indian] Essential Commodities Act <i>H. C. L. Merillat</i>	648

BOOK NOTICES

McDougal, M. S.—Burke, W. T. The Public Order of the Oceans; Kochu Thommen, Th. Legal Status of Government Merchant Ships in International Law; Rosenne, S. The Time Factor in the Jurisdiction of the International Court of Justice; Legal Aspects of Neutrality; Mental Illness and Due Process; Foyer, J. Filiation illégitime et changement de la loi applicable; Zajtay, I. Zur Stel- lung des ausländischen Rechts im französischen internationalen Privatrecht; Farnsworth, E. A. An Introduction to the Legal Sys- tem of the United States	126
Lauterpacht, E. The Contemporary Practice of the United King- dom in the Field of International Law (January 1—June 30, 1962); <i>Annuaire suisse de droit international</i> ; Morris, H. Free- dom and Responsibility—Readings in Philosophy and Law; Souty, P. Documents sur la Constitution de la V ^e République	327
Kegel, G. Internationales Privatrecht; Geilke, G. Das Staatsange- hörigkeitsgesetz der Sowjetunion; McWhinney, E. Peaceful Co- existence and Soviet-Western International Law; Carlston, K. S. Law and Organization in World Society; Jenks, C. W. Law, Freedom and Welfare	495
Yntema, H. E. Introducción al Derecho Romano de Andrés Bello; Schüle, A. Koalitionsvereinbarungen im Lichte des Verfassungs- rechts; Szyszkowski, W. International Agreements and Munici- pal Law in the United States	651

BOOKS RECEIVED	137; 330; 499; 656
--------------------------	--------------------

BULLETIN *Special Editor: Joseph M. Sweeney*

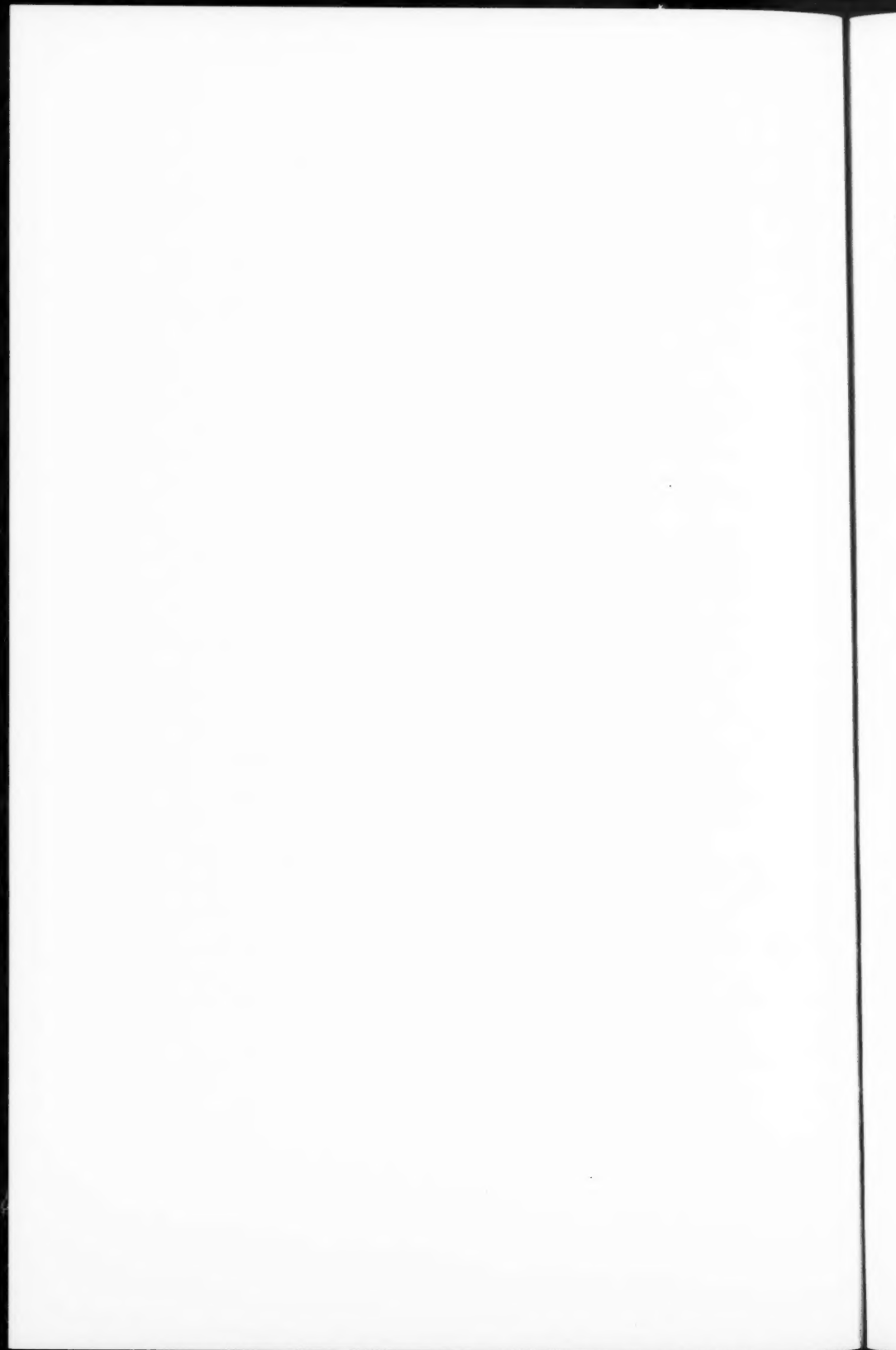
American Foreign Law Association	145
American Foreign Law Association, Membership List	145
Reports—American Foreign Law Association, Annual Meeting 1964; International Association of Legal Science, New York Colloquium; International Committee of Comparative Law, New York Meeting; International Fiscal Association, Hamburg Meeting; International Association of Penal Law, Ninth Con- gress; The Japanese American Society for Legal Studies; Chicago Branch of the American Foreign Law Association; Mexican- American Colloquium; Inter-American Symposium of Law Deans and Professors	141; 335; 504; 661

Announcements—Instruction in American Law in Europe: Salzburg Seminar in American Studies; Leyden—Columbia Program in American Law; 51st Conference of the International Law Association, Tokyo; 10th Conference of the International Bar Association; VIth Congress of the International Academy of Comparative Law, Uppsala; Date of Uppsala Congress; Parker School Summer Program in Foreign Law; International Faculty of Comparative Law, Luxembourg; Summer Course on Mexican Law for Foreigners; Inter-American Bar Association, XIVth Conference; International Faculty for the Teaching of Comparative Law, Summer and Autumn Sessions for 1965	142; 339; 505; 664
Varia—Conference on South Asian Law; Japanese Institute of Comparative Law	339
In Memoriam—Roscoe Pound; Arthur Nussbaum	339; 664

PROCEEDINGS

Proceedings of the 1964 Annual Meeting of the American Foreign Law Association: The Validity of Forum Selecting Clauses . . .	157
The Hague Conference on Private International Law and the Validity of Forum Selecting Clauses (Appendix: Draft of a Convention on the General Jurisdiction of Contractual Forums Adopted by the Ad Hoc Committee, December 20, 1963) <i>Kurt H. Nadelmann</i>	157
Selected Forum Agreements in Western Europe <i>Joseph M. Perillo, Jr.</i>	162
Derogation Clauses in Latin-American Law <i>Michael A. Schwind</i>	167
The Contractual Forum: Scandinavia <i>Hilding Eek</i>	173
The Contractual Forum: Situation in England and the British Commonwealth <i>Zelman Cowen</i> and <i>Derek Mendes Da Costa</i>	179
The Contractual Forum: Situation in the United States <i>Willis L. M. Reese</i>	187

CURRENT LITERATURE ON FOREIGN AND COMPARATIVE LAW <i>Special Editor: Charles Szladits</i>	666
---	-----



CONTRIBUTORS OF LEADING ARTICLES AND COMMENTS

Ansay, Tuğrul	American Trade-Marks in Turkey . . .	93
Bartholomew, G. W.	The Application of Shari'a in Singapore	385
Cowen, Zelman and Mendes Da Costa, Derek	The Contractual Forum: Situation in England and the British Common- wealth	179
Cremona, J. J.	The Jury System in Malta	30
Dach, Joseph	Legal Nature of the Euro-Dollar	30
De Nova, Rodolfo	Current Developments of Private In- ternational Law	173
Eek, Hilding	The Contractual Forum: Scandinavia	438
Fulda, Carl H.	Prospective Overruling of Court De- cisions in Germany and the United States	61
Habachy, Saba	The System of Nullities in Muslim Law	594
	The Republican Institutions of Leba- non: Its Constitution	606
Hauser, Rita E.	Index Clauses in Private Loans since the Advent of the Fifth French Republic in 1958	428
Hijazi, Ahmad	Kuwait: Development from a Semi- tribal, Semicolonial Society to Demo- cracy and Sovereignty	451
Honnold, John	The 1964 Hague Conventions and Uni- form Laws on the International Sale of Goods	80
Inglis, B. D.	Forum Conveniens—Basis of Jurisdic- tion in the Commonwealth	300
Lin, Fu-Shun	Communist China's Emerging Funda- mentals of Criminal Law	1
Lenhoff, Arthur	A Correction	193; 341
Lorenz, Werner	General Principles of Law: Their Elab- oration in the Court of Justice of the European Communities	72
Mendes Da Costa, Derek and Cowen, Zelman	The Contractual Forum: Situation in England and the British Common- wealth	157
Müller-Freienfels, Wolfram	Legal Relations in the Law of Agency: Power of Agency and Commercial Certainty	72
Nadelmann, Kurt H.	French Courts Recognize Foreign Money Judgments: One Down and More to Go	157
	The Hague Conference on Private In- ternational Law and the Validity of Forum Selecting Clauses	

	Non-Disclosure of Dissents in Constitutional Courts: Italy and West Germany	268
	Wächter's Essay on the Collision of Private Laws of Different States	414
Nadelmann, Kurt H. and Reese, Willis L. M.	The Tenth Session of the Hague Conference on Private International Law	612
Osborough, W. Nial	Immunity for the English Supermarket Shoplifter?	291
Perillo, Joseph M. Jr.	Selected Forum Agreements in Western Europe	162
Reese, Willis L. M.	The Contractual Forum: Situation in the United States	187
Reese, Willis L. M. and Nadelmann, Kurt H.	The Tenth Session of the Hague Conference on Private International Law	612
Reisner, Ralph	National Regulation of the Movement of Workers in the European Community	360
Rothstein, Paul Frederick	The New British Resale Prices Act	249
	Recent Developments under the British Resale Prices Act of 1964	604
Schwelb, Egon	The Protection of the Right of Property of Nationals under the First Protocol of the European Convention on Human Rights	518
Schwind, Michael A.	Derogation Clauses in Latin-American Law	167
Sykes, Edward I. Szász, I.	Labor Arbitration in Australia	216
	Arbitration of Foreign Trade Transactions in the Popular Democracies	441
Von Mehren, Arthur T.	Roscoe Pound and Comparative Law	507
Weser, Martha	Litigation on the Common Market Level	44
Yadin, Uri	Outline of an Automobile Compensation Plan for Israel	276

